

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARDS AGAINST HUMANITY, LLC,

Plaintiff,

v.

LOFTEK TECHNOLOGICAL CO., LLC, *et al.*,

Defendants.

Case No.: 13-CV-0727 YGR

ORDER:

- (1) GRANTING MOTION FOR ADMINISTRATIVE RELIEF CONTINUING PRETRIAL DISCOVERY AND RELATED DEADLINES;
- (2) MODIFYING PRETRIAL AND TRIAL SCHEDULE;
- (3) DENYING WITHOUT PREJUDICE REQUEST FOR PREFILING CONFERENCE; AND
- (4) ORDER TO SHOW CAUSE

The Court **GRANTS** the Motion for Administrative Relief Continuing Pretrial Discovery and Related Deadlines of Plaintiff Cards Against Humanity, LLC ("CAH"). (Dkt. No. 66.) CAH has made the requisite specific showing of inability to meet the current pretrial schedule despite appropriate diligence. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). Defendants' arguments in opposition to the motion amount to an assertion of undue delay (Dkt. No. 78), but the Court already has declined to find that CAH has unduly delayed the prosecution of its case as to newly-added Defendant Shengkai "Scott" Chen (Dkt. No. 61 at 3-4).

The Court **MODIFIES** the pretrial and trial schedule in the above-styled matter as set forth herein:

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NON-EXPERT DISCOVERY CUTOFF	Apr. 30, 2014
DISCLOSURE OF EXPERTS (RETAINED/NON-RETAINED)	Opening: Mar. 26, 2014 Rebuttal: Apr. 9, 2014
EXPERT DISCOVERY CUTOFF	Apr. 30, 2014
DISPOSITIVE MOTIONS TO BE HEARD BY	May 13, 2014
COMPLIANCE HEARING	Friday, Aug. 1, 2014 at 9:01 a.m.
JOINT PRETRIAL CONFERENCE STATEMENT	Aug. 8, 2014
PRETRIAL CONFERENCE	Friday, Aug. 22, 2014 at 9:00 a.m.
TRIAL DATE AND LENGTH	Monday, Sept. 8, 2014, at 8:30 a.m., for 5 days; jury trial

The Court **DENIES WITHOUT PREJUDICE** CAH's request for a summary judgment pre-filing conference. (Dkt. No. 71 ("Pre-Filing Letter".) The Pre-Filing Letter is premature in light of the recent addition of Chen as defendant, as well as the Court's continuance of the discovery and dispositive motion deadlines.

The Court **ORDERS** counsel for Defendants to show cause why they should not be sanctioned for failure to comply with paragraph 9(a) of the Court's Standing Order in Civil Cases, which required Defendants, assuming they wish to oppose a motion for summary judgment by CAH, to file a response to CAH's Pre-Filing Letter no later than January 24, 2014. Defendants filed no such response. Further, this is the second time defense counsel has needed to be reminded of its obligations when practicing before this Court. (See Dkt. No. 61 n.4 (observing apparent failure to conduct reasonable inquiry into facts before making factual representation to the Court).) Accordingly, the Court shall hold an Order to Show Cause hearing on its 9:01 a.m. Calendar on **Friday, February 14, 2014**, in Courtroom 5 of the United States Courthouse located at 1301 Clay Street in Oakland, California.

At least five business days before the Order to Show Cause hearing, defense counsel shall submit a written Response to this Order to Show Cause. The Response shall: (1) not exceed three pages; (2) explain the failure to comply with the undersigned's Standing Order in Civil Cases; and (3) certify that defense counsel has read that Standing Order. If the Court is satisfied with the Response, it will consider vacating the Order to Show Cause hearing. Otherwise, defense counsel's personal appearance is required. Failure to comply may result in sanctions.


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This Order terminates Docket No. 66.

IT IS SO ORDERED.

Date: January 29, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California